



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

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## MINUTES STATE BUILDING CODE COUNCIL

**Date:** June 11, 2009  
**Location:** Seattle Area Pipe Trades, Seattle

**Council Members Present:** Peter DeVries, Council Chair; Jon Napier, Vice Chair; Ray Allshouse; Kristyn Clayton; John Cochran; Bruce Dammeier; Mari Hamasaki; Tom Kinsman; Robert Koch; Jerry Mueller; Tien Peng; Dale Wentworth

**Council Members Absent:** Angie Homola, Don Jordan

**Visitors Present:** Chuck Murray, Gary Nordeen, Paul O'Connor, Pete Crow, Kraig Stevenson, Dave Cantrell, Julie Nichols, Eric Lohnes, Joe Andre, Maureen Traxler, Diane Glenn, Terry Tackett, Dave Baylon, Tom Nichols, Jerry Barbera, Gregory Staats, Ken Kohler, Dana Qyam, Mike Barth, Kate Tate, Richard Ferry, Mark Fallgatter, Steve Menne, Patrick Hayes

**Staff Present:** Tim Nogler, Krista Braaksma, Joanne McCaughan

### CALL TO ORDER

Peter DeVries, Council Chair, called the meeting to order at 10 a.m. Peter welcomed everyone, including special welcomes to newly appointed Council members, Robert Koch and Representative Bruce Dammeier. Introductions were made.

### REVIEW AND APPROVE AGENDA

The agenda was reviewed and approved as written.

## REVIEW AND APPROVE MINUTES

The minutes of the May 7 Council meeting were reviewed. Kristyn Clayton clarified dialogue about Motion #7, appearing in the minutes on pages 25-27. She questioned whether her comments from an off-site location were noted. Her concern is that all 172 code change proposals currently before the Energy Code TAG, except 12 or so administrative ones, need to continue to be reviewed for stringency and philosophy. Maintenance of the 2006 WSEC, which was part of the motion, includes continuing the study of all 172 code change proposals. Kristyn said she made the following statement to Angie's amendment to Motion #7, which reduced the 172 code change proposals to those that relate to the IECC: "That means all 172 of them. Because basically what's going to happen in the next three years is that we will have to go through anything we get done in this code change cycle. We will also have to revisit the 147 amendments that were identified four years ago that set up the differences between our codes. And that was a lot of stuff, not just stringency. But it was philosophy. It was not really formatting, but difference in terminology, that kind of thing. We'll have to revisit those as well. I don't have a running total in my head how much that is. It's 300 and something. But we're going to have to go through all of that, collectively, or pay someone to do that, to see how we can maintain stringency with the IECC. There were a handful of proposed code changes that dealt directly with the IECC. But also some that brought us in parity to the IECC. But we also would have to consider any stringency changes with those 172 that we would also have to amend the IECC."

Tim Nogler noted there were two amendments to Motion #7. Jon Napier asked Kristyn to repeat her comments. Kristyn said, "What we're going to do is between now and 2012, we look at the IECC, which we did formally as a TAG. The Energy Code TAG did, starting four and a half years ago. We had a formal report three and a half years ago, that came out that identified 147 changes or differences between the IECC and the WSEC. That's where we stopped. We didn't wordsmith. We didn't try to come up with some consensus. We just identified differences that we would have to address. The 172 code change proposals this year are in an effort to bring our code further along in its stringency, as we understood, by 30 percent from the Governor. So that was the impetus behind a good many of the 172 code change proposals we're considering this year, as just a normal course of code making. So we need to get through those. We're not stopping that effort. What will happen is we won't do a jump to the IECC without amendment. We're not allowed to by statute, because if there's a chance that the IECC is less stringent, then we'll be violating statute. So we need to review the 147 and keep what's still good. We'll also have some subset of the 172. But largely it'll be a large subset if everything goes through and gets voted on. That will also have to be considered for a stringency ratchet for the IECC. So once we do without the IECC, there won't be a significant amount of amendments to it to maintain a stringency that we already have here with the WSEC."

Jon asked how many of the 172 code change proposals the Energy Code TAG is reviewing in 2009 relate to the IECC. Kristyn answered that number is difficult to determine. She advocates looking at all 172 because:

- That effort can't be stopped because it's in the Council charter, bylaws, and rules and regulations.
- "Just about every one of them, aside from some, a dozen, administrative ones probably, would have to be considered against or compared to the IECC for a stringency comparison, or a philosophical comparison, or a wording comparison. So if we were to stop our effort now and try to go back and do that now, we would not finish or even get close to finishing. And the effort that we're doing now would be abandoned, which would be a huge disservice to everyone considered."

Tim said meetings are scheduled for July 8 and 9 to address the energy code package recommended by the Energy Code TAG. He suggested 50-60 out of the 172 will probably comprise the package looked at by the Council.

Jon asked if those 50-60 relate to the IECC. Kristyn answered yes.

The minutes were approved as written.

Tim asked for review and approval of the Mechanical, Ventilation and Energy Codes Committee minutes and of the Building, Fire and Plumbing Codes Committee minutes of the June 10, 2009 meetings. Both sets of meeting minutes were approved as written.

Peter called attention to the remaining annual schedule of Council meetings. There will be a two-day July meeting, on July 8th and 9th, held in Senate Hearing Room 2 in Olympia; two public hearings in September, on September 10th in the SeaTac area and on September 17th in the Spokane area; an October 15th work session; and executive action on November 12th to adopt the codes. Tim said mailings for each meeting, including agendas, generally go out two weeks before the meetings.

Peter said the Council received several pieces of correspondence this month, from the Governor and various individuals. He said copies are available.

## **PUBLIC COMMENT ON ITEMS NOT COVERED BY THE AGENDA**

Kraig Stevenson, International Code Council (ICC), said on May 7 he referred to draft legislation before the U.S. House of Representatives. That draft bill, now HR 2454, very clearly articulates energy efficiency goals and the benchmarks of national model energy codes. Kraig suggested the Council should consider and align itself with the energy efficiency goals of HR 2454, which he expects to be enacted in some form.

## **COMMITTEE REPORTS**

### **Mechanical, Ventilation and Energy (MVE) Codes Committee**

#### **Mechanical and Ventilation Codes TAG**

Mari said two code change proposals, #09-235, relating to heat recovery ventilation (HRV) systems, and #09-251, relating to dryer duct length, had been sent back to the TAG for further study. After review, the TAG stands by its earlier recommendations.

In addition, the TAG reviewed two remaining proposals, 09-215 and 09-249, looking at expanding the scope of whole house ventilation requirements. The TAG recommends moving forward with both proposals, with the concurrence of the Committee.

#### **Energy Code TAG**

Mari said a MVE Committee recommendation about energy code proposals isn't available at this time.

Tim noted an issue that arose during a Fire Code TAG meeting. The State Department of Health identified a conflict between the food code and the mechanical code. The TAG proposed an exception to the location of Type I hoods, saying they're not required in R-2 boarding home occupancies with less than 16 residents. The intent is to achieve consistency with state licensing and state building code provisions. Tim suggested this proposal be included in the Mechanical and Ventilation Codes TAG recommendation to move to public hearing.

#### **Motion #1:**

**Mari Hamasaki moved to forward items to public hearing as recommended by the Mechanical and Ventilation Codes TAG, and to also include the proposal for Type I hoods in R-2 occupancies. John Cochran seconded the motion. The motion was unanimously adopted.**

### **Building, Fire and Plumbing (BFP) Codes Committee**

John Cochran reported that the BFP Committee voted to move forward the TAG recommendations of the Building, Fire, and Plumbing Code TAGs. He said there was one issue from the Plumbing Code TAG, regarding shower sizing, which represents a conflict between the Uniform Plumbing Code (UPC) and the International Residential

Code IRC). Two code change proposals, #233 and 232, are involved. Tim said an interpretation issued about this conflict recommends IRC precedence. The Plumbing Code TAG, however, recommends amending the IRC with the UPC requirements. Tom Kinsman spoke in support of accepting IRC precedence. He said it's appropriate since codes are minimum and the IRC has smaller dimensions than the UPC.

**Motion #2:**

**Tom Kinsman moved to approve Code Change Proposals #233 and 232, as submitted, and move them forward to public hearing. Ray Allshouse seconded the motion. The motion was unanimously adopted.**

**Motion #3:**

**John Cochran moved to forward the Plumbing Code TAG recommendations, as amended, to public hearing. Jon Napier seconded the motion. The motion was unanimously adopted.**

**Fire Code TAG**

Jon said the TAG reviewed nine code change proposals. Seven were modified, one was withdrawn and one was sent to the Mechanical/Ventilation Codes TAG. Of 34 existing amendments, 12 were modified, 15 were repealed and seven were deleted. In addition, the Wildland Urban Interface Code was identified as an optional, voluntary appendix to the IFC.

**Motion #4:**

**John Cochran moved approval of the Fire Code TAG recommendations, sending them to public hearing. Jon Napier seconded the motion.**

Tim clarified that the motion includes carbon monoxide provisions required under SB 5561 that were addressed yesterday during the Building, Fire and Plumbing Codes Committee meeting. Carbon monoxide provisions impact the building, fire and residential codes.

**The question was called for. Motion #4 was unanimously adopted.**

**Building Code TAG**

Tim said the TAG proposal includes adopting the existing building code as amended, as an appendix chapter, in accordance with Section 3401.5, of the 2009 International Building Code. Under the 2009 code, the IEBC is permitted as a compliance alternate on a statewide basis.

Also included in the Building Code TAG recommendation is the repeal of WAC 51.19, the Historic Building Code. That code was adopted by the Council in 1992 and has never been updated. A notice of intent was filed for that repeal. The reason for repeal is that the code is obsolete. The International Existing Building Code has a chapter on historic buildings. Staff noted that those consulted in the historic building community are supportive of this action.

#### **Motion #5:**

**Jon Napier moved to forward to public hearing the Building Code TAG recommendations, including adoption of the International Existing Building Code as an appendix chapter and the repeal of WAC 51.19. Tom Kinsman seconded the motion. The motion was unanimously adopted.**

#### **Residential Code TAG**

Tim noted that the Residential Code TAG hasn't completed its work yet. The TAG report, on salmon paper, is a work in progress.

Tien Peng said the TAG proposes moving eight proposals forward, three as submitted and five as modified. Two AS proposals, #09-190 and #09-211, as well as an AM proposal, #09-228, relate to fire sprinkler systems. One proposal leaves the decision whether or not to mandate fire sprinklers up to each local jurisdiction, another proposal makes installation voluntary, and the third adopts fire sprinklers in Section 2904 of the International Residential Code.

Tien said 17 existing amendments are also proposed by the TAG to move forward. He said most were retained for administrative reasons.

John called attention to a letter received this morning from three state representatives, expressing opposition to mandating fire sprinkler systems in one- and two-family homes and townhouses. They state seven reasons for voluntary installation, and offer four alternatives to sprinklers.

#### **Motion #6:**

**John Cochran moved to accept the Residential Code TAG recommendations to date, advancing those code change proposals to public hearing. Tom Kinsman seconded the motion.**

Jon said while the fire service isn't opposed to moving these proposals to rulemaking and public hearing, it's philosophically opposed to modifications to R313. He said fire sprinklers are a proven technology that provides unsurpassed life/safety value to homeowners. The national code process considered all the issues and mandated the installation of fire sprinklers in all new homes. It did so after reviewing cost, system maintenance, freeze issues, water supplies and affordable housing. The fire service feels that requirements for fire sprinklers should not be removed from the base code.

Tien noted there was a minority report from Todd Short, representing the Washington Fire Chiefs Association.

**The question was called for. Motion #6 was approved by a vote of 9 aye to 1 nay.**

## **LOCAL AMENDMENT**

### **City of Seattle, Existing Building Code**

Tim reminded members that this issue was discussed at the May Council meeting. The City of Seattle is asking for a preproposal review. Tim said local jurisdictions can amend the building code if stringency is higher than at the state level. However if that amendment involves one-to-four-unit residential buildings under three stories, under 5,000 square feet, State Building Code Council approval is required. WAC 51-04 outlines the process by which local governments request such approval. Included is the option of a preliminary review, which provides feedback to the city about how the Council views proposed amendments. Thus prior to local jurisdictions going through the process of adopting local amendments, they have Council feedback about concerns, which the local jurisdictions can then address in the process.

Maureen Traxler said Seattle doesn't adopt Chapter 34 of the International Building Code. For a long time, it has adopted its own regulations for existing buildings in a unique version of Chapter 34. Maureen provided a comparison of the IBC's Chapter 34 and like provisions in Seattle. She said there are only a few provisions that are different.

In addition, because the IRC has no provisions for existing buildings, Seattle inserts a pared-down version of Chapter 34 into Chapter 1 of the IRC. It also adopted the 2006 IEBC as an alternative to compliance with Chapter 34 of the IBC. However Seattle has some additional amendments not found in the state code. If the state adopts the IEBC as the referenced standard, Seattle would do likewise.

Seattle feels it's important to treat all buildings the same. Therefore Seattle doesn't have different standards for small residential buildings than it has for larger buildings.

Maureen said the key differences between the IBC's Chapter 34 and the Seattle Building Code regulations are:

1. Impracticality. In Seattle, existing building regulations have a provision that allows modification of code requirements if conditions in an existing building simply "don't make sense," making it difficult to strictly apply code requirements.
2. Sprinklers and ceiling height. Seattle has detailed requirements for sprinklers and ceiling height in dwelling units. These requirements allow flexibility and predictability in telling building owners when sprinklers are needed, as well as allowing them to modify dwelling spaces in existing buildings.
3. Provisions for substantial alterations. The general rule for alterations is that alterations themselves must comply with regulations for new construction, but the rest of the building that isn't being altered doesn't have to be retrofitted. In Seattle that's true to a certain point. After that point, upgrading certain elements in the rest of the building is justified. Maureen said this provision is necessary to get such things as seismic improvements, sprinklers in existing residential buildings, and exiting system upgrades.
4. Changes of occupancy. The Seattle building code requires buildings that are changing occupancy to comply with Chapters 4, 5 and 9. Seattle feels that requiring changes of occupancy to comply with all requirements of a new building, similar to the state building code, can be very onerous, particularly when alterations aren't being done.

Maureen said the rationale for those differences is that Seattle is the oldest, most densely populated city in the state that has a high seismic risk. Because it has lots of existing buildings that were built to very archaic standards, flexibility is very important. Seattle has lots of experience dealing with alterations and changes of occupancy. Unlike other local jurisdictions in the state, there is minimal "mass production of residential subdivisions" within Seattle.

Maureen asked for Council feedback about issues and proposed changes. She anticipates returning in the fall to request official approval.

John asked if Seattle defines the term, "substantial alterations." Maureen said Section 3404.9.1 of the Seattle Building Code defines "substantial alterations or repairs." Any one of five criteria, as determined by the building official, qualifies an alteration or repair to be "substantial." The criteria most often used are when the owner is extending the useful physical or economic life of the building or a significant portion of the building. Maureen said pretty minimal upgrades, such as to the exiting or fire alarm systems, are required for small residential buildings less than two stories.

Peter asked Tim if this request should be moved to the next Council meeting. Tim said that's one possibility. Another would be to form a committee, a TAG or a work group to look at the issue and respond to Seattle. Tom volunteered to participate in a work group. He said there is substance to the state prohibition against local amendments. The threshold is a high bar that many local amendments don't meet.



He supports the practicality and sprinkler provisions on a statewide basis. He's reluctant to support the "substantial alterations" provision as a local amendment, because it's very difficult for applicants to deal with Seattle's "squishy" language.

Tim asked if Tom has a suggestion for how Seattle can make their local amendment more acceptable. Tom suggested couching Seattle Building Code language to say that all provisions that currently exist in that code do not apply to required provisions in the IBC.

Ray Allshouse also volunteered to participate in a work group. John Cochran agreed to participate, at Peter's suggestion. The three-member ad hoc group will return to the Council with a report in July.

## **STAFF REPORT**

Tim reported that Mel Mangum has resigned as a Council member. Mel has submitted a formal resignation to the Governor's Office. So there is currently a vacancy in Council membership, representing people with disabilities. Hopefully that position will be filled by September.

## **OTHER BUSINESS**

Tim said HB 1481, dealing with electric vehicles, passed this legislative session. It requires the Council to write a code for electric vehicle infrastructure. It also has the Department of Labor and Industries' Electrical Section writing a code for the electrical outlets in charging stations for electric vehicles. Tim said he's talked with Ron Fuller about this bill. Ron, heading L&I's Electrical Section, is an ex officio Council member. Ron said the National Electrical Code already has all the necessary provisions concerning electrical outlets.

Kristyn commented that she thought the Council didn't take a position on this bill because it doesn't relate to buildings. Tim said he believes the vote in March was to support the bill. Jon agreed, but he said it was limited to equipment and the number of charging stations. L&I was going to address hooking charging stations to the power grid. Jon noted the Council never supported designing the Smart Grid.

Tom asked if accessibility issues are involved in this bill. Tim said there are questions about scope and intent. He wants to work with John Chelminiak and legislative sponsors to answer those questions.

Since there is a national standard for the type and height of outlets, including location relative to parking spaces, the Council may be able to adopt the national standard by reference. To date, nothing has been entered into rulemaking.

## **ADJOURNMENT**

There being no further business, Peter adjourned the meeting at 11 a.m.